

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Agriculture Department – Disciplinary action initiated against Sri B. Prabhakara Rao, former A.O.(SC) and present ADA under Rule 20 of Andhra Pradesh Civil Service (CC&A) Rules, 1991 – Inquiry conducted – Final orders – Appeal allowed – Orders - Issued.

AGRICULTURE AND COOPERATION (Vig.I) DEPARTMENT

G.O.Rt. No:1151

Dated.17-09-2008

Read the following:-

- 1 G.O.Rt.No.107, Agri. & Coop. (Vig.I) Dept., Dt. 10-2-2003.
2. From Sri B. Prabhakara Rao, ADA O/o JDA., Visakhapatnam, written statement of defence, dt. 13-3-2003.
3. Govt. Memo No.1206/Vig.I/1/2003-1, Dt. 17-6-2003.
4. Govt. Memo No. 1206/Vig.I/1/2003-2, Dt. 17-6-2003.
5. From the JDA, Srikakulam & I.O. letter Rc.No.Estt.(1)401/ 2003, Dt. 22-12-2003.
6. Govt. Memo No. 1206/Vig.I/1/2003-8, A&C (Vig.I) Dept., Dt. 23-9-2006.
7. From Sri B.Prabhakara Rao, ADA, Representation dated 2-11-2006.
- 8 G.O.Rt.No.821, Agri. & Coop. (Vig.I) Dept., Dt. 1-7-2003.
- 9 From Sri B.Prabhakara Rao, ADA, Appeal petition dated 8-7-2008.

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O R D E R:

Government have initiated disciplinary action against Sri B. Prabhakara Rao, former Agriculture Officer, (SC) and present Assistant Director of Agriculture under Rule 20 of the A.P.C.S. (CC&A) Rules, 1991 for making irregular recommendations for payment of Rs.3,23,405/- to ineligible farmers towards compensation to the horticultural crops damaged due to cyclone occurred on 17th and 18th October, 1999 in Silagam Village of Kaviti Mandal, Srikakulam District and framed the following articles of charge:-

Articles of Charge: That the said Sri B. Prabhakara Rao, Assistant Director of Agriculture while working as Agricultural Officer O/o the Assistant Director of Agriculture (Soil Conservation), Srikakulam has recommended for payment of compensation to a tune of Rs.3,23,405/- for damages to the Horticulture crops due to cyclone occurred on 17-10-1999 and 18-10-1999 in Silagam village of Kaviti Mandal to 26 bogus cases, Landless persons, two times for the same land, compensation in excess of the land against the actual extent possessed by ryots and ghost cases without noting the Survey Nos. of the land in the proposals for payment of compensation and thus he violated Rule 3 of APCS (Conduct) Rules, 1964

2. The appellant in his written statement of defence denied the charge and requested to accept his explanation and exonerate him from the above charge. Government decided to conduct regular inquiry into the charge and in the regular inquiry the charge was not held proved against the appellant. Government had examined the inquiry report and decided to disagree with the findings of the Inquiry Officer. Accordingly a copy of the Inquiry Report along with disagreement factors was communicated to the appellant for his representation if any in the matter. The appellant in his representation has stated that he made only preliminary enumeration and he was innocent of the lapses took place in the 2nd phase of enumeration and he was not at all responsible for the lapses. Therefore, the appellant has requested the Government to drop further action and exonerate him from the case. Government after careful examination of the matter observed that the appellant could not be absolved of the guilt of careless and negligent enumeration and have imposed the penalty of 'Censure' against Sri B. Prabhakara Rao, former Agriculture Officer, (SC) and present Assistant Director of Agriculture.

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3. Aggrieved by the said orders of the Government, Sri B.Prabhakara Rao, former Agriculture Officer, (SC) and present Assistant Director of Agriculture has filed the present appeal petition before Government. The appellant in his appeal petition inter alia has stated that he was directed by the Assistant Director of Agriculture to conduct preliminary enumeration of the damages of Horticulture crops. As such the reports submitted by him was only a preliminary assessment of the damages, which needs to be short listed after through verification, enumeration and scrutiny with relevant records; that in preliminary report if any repetitions of names or omission/commissions were appeared, it was only due to over sight under heavy pressure of work; that no recommendations as to the amounts of compensations payable was ever mentioned by him in his report and nevertheless Rs.3,23,405/- as mentioned in the article of charge, in much as the report was only interim in nature, but not final report; and that there was no financial implication in the matter and no financial loss to the Government. Further the appellant submitted was that even though he was not at fault and no where concerned with the payment of compensation he had been awarded with the penalty of "Censure" by Government, as a result of which his name is likely to be overlooked for promotion to the post of Asst. Director of Agriculture in the next batch.

4. Therefore, the appellant has requested to set a side the penalty of "censure" imposed by Government vide G.O.Rt.No. 821, A&C(Vig.I) dated 1-7-2008 in the interest of justice.

5. Government have carefully examined the matter in the light of the records made available and observes that the Project Director, DPAP, Srikakulam in his inquiry report has observed that the banker and Village Administrative Officer were responsible for this mischief; and that the entire amount of was recovered from the Village Administrative Officer and that the Collector Srikakulam also has reported that the Appellant was not guilty of the charges framed against him. In view of the above position Government decided to set aside the penalty of 'Censure' imposed against the appellant.

6. Accordingly, Government hereby set-aside the orders passed by Government in G.O.Rt.No. 821, A&C(Vig.I) dated 1-7-2008 which is a penalty of 'Censure' was imposed against Sri B. Prabhakara Rao, former Agriculture Officer (SC) and present Assistant Director of Agriculture and allow the appeal petition. As such there is no penalty against the above Agriculture Officer.

7. The Commissioner and Director of Agriculture, Hyderabad is requested to take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RACHEL CHATTERJEE
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri B. Prabhakara Rao, former Agriculture Officer, (SC) and present
Assistant Director of Agriculture, O/o. the JDA, Visakhapatnam through
the C&DA, Hyderabad.

Copy to :

The Commissioner and Director of Agriculture, A.P., Hyderabad.

The Secretary, APVC, Hyderabad.

Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER